



0000032991

Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

APR 21 1999

JIM IRVIN
COMMISSIONER-CHAIRMAN
TONY WEST
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

DOCKETED BY	<i>ML</i>
-------------	-----------

IN THE MATTER OF THE APPLICATION OF
JAMES L. INDIHAR, JR. DBA GILBERT
COMMUNICATIONS FOR THE SALE OF
ASSETS AND CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03061A-99-0079

DECISION NO. 61672**ORDER**

Open Meeting
April 19 and 20, 1999
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the
Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. James L. Indihar, Jr. dba Gilbert Communications ("Applicant") is a sole proprietorship that has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59619 (April 24, 1996).

2. On February 3, 1999, Applicant submitted to Docket Control an application for approval of the sale of assets and cancellation of the Certificate. The application was docketed on February 12, 1999.

3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding CO's Certificates without a hearing.

7. On March 15, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to sell assets and cancel Applicant's Certificate without a hearing.

8. According to Staff, Applicant indicated that the pay telephones were disposed of as worthless and obsolete equipment.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The sale of assets and cancellation of Applicant's Certificate is in the public interest.

4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be adopted.

...

...

...

...

...

...

...

...

...

...

...

...

...

ORDER

IT IS THEREFORE ORDERED that the application of James L. Indihar, Jr. dba Gilbert Communications for the sale of assets and cancellation of the Certificate to provide customer-owned pay telephone service shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

COMMISSIONER-CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 21 day of April, 1999.

Stuart R. Brackney
STUART R. BRACKNEY
ACTING EXECUTIVE SECRETARY

DISSENT _____
BMB:bbs

1 SERVICE LIST FOR:

JAMES L. INDIHAR, JR. DBA GILBEI
COMMUNICATIONS

2

3 DOCKET NO.

T-03061A-99-0079

4

5 James L. Indihar, Jr.
6 GILBERT COMMUNICATIONS
7 885 W. Shellfish Dr.
8 Gilbert, Arizona 85233

9

10 Paul Bullis, Chief Counsel
11 Legal Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, Arizona 85007

15

16 Director, Utilities Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38